

# Policy and Procedure for the Use and Disclosure of Protected Health Information for Disaster Relief Purposes

45 CFR 164.510(b)(4)

**PURPOSE:** To establish a policy and procedure on the use and disclosure of protected health information for disaster relief purposes.

**POLICY:** IHS may use or disclose protected health information (PHI) during disaster and disaster relief to government agencies (federal, state, local, or tribal) engaged in disaster relief activities, as well as to private disaster relief or disaster assistance organizations (e.g., Red Cross) authorized by law or by its charter to assist in disaster relief efforts, for the purposes of coordinating such efforts to allow them to carry out their responsibilities.

**Disaster:** For the purpose of this policy, a disaster is any event that overwhelms normal medical capability of the local facility and that triggers mass casualty medical readiness of the facility. A disaster may be declared by the facility leadership or by the tribal, county, state and federal government.

**PROCEDURES:** The following procedures shall be used when using and disclosing PHI for disaster relief purposes.

1. **Notification:** IHS may use and disclose PHI for the purpose of notification (or assisting in the notification, identification, or location) of a family member, personal representative of the patient, or another person responsible for the care of the patient, of the patient's location, general condition, or death.
2. **Uses and Disclosures when patient is present:** If the patient is present and/or available and can make health care decisions, IHS will release the information if it:
  - obtains the patient's agreement;
  - provides the patient the opportunity to object to the disclosure, and the patient does not express an objection; or
  - reasonably infers from the circumstances, based upon the exercise of professional judgment, that the patient does not object to the disclosure.
3. **Limited uses and disclosures when the patient is not present:** When the patient is not present or when opportunity to agree or object is not possible or practicable due to the patient's incapacity or emergency condition, the following procedures shall be used:
  - An IHS provider, using his or her professional judgment, may determine that the use or disclosure is in the best interests of the patient, and only use or disclose PHI that is directly relevant to the government agency's or disaster relief organization's involvement with the patient's health care.
4. IHS must comply with the requirements of 2 and 3, above, to the extent that it determines that the requirements do not interfere with the ability to respond to the emergency circumstance.

5. Verification Procedure for Verification of Identity Prior to Disclosure of Protected Health Information. of identity should be completed prior to disclosing PHI of a patient. For guidance, refer to the Policy and
6. Disclosures for disaster relief should be documented. Refer to the Policy and Procedure for Matters Related to Accountings of Disclosures of Protected Health Information.